

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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IN RE STATE STREET BANK AND  
TRUST CO. FIXED INCOME FUNDS  
INVESTMENT LITIGATION

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MDL No. 1945

PRUDENTIAL RETIREMENT INSURANCE  
AND ANNUITY COMPANY,

Plaintiffs,

No. 07 Civ. 8488 (PAC)

v.

**ORAL ARGUMENT REQUESTED**

STATE STREET BANK & TRUST  
COMPANY,

Defendant.

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**DEFENDANT'S MOTION FOR ENTRY OF FINAL JUDGMENT  
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 54(b)  
OR FOR CERTIFICATION PURSUANT TO 28 U.S.C. § 1292(b)**

Defendant State Street Bank and Trust Company ("State Street") respectfully submits this motion for entry of final judgment pursuant to Federal Rule of Civil Procedure 54(b), or, in the alternative, for certification of a controlling question of law to the Court of Appeals for the Second Circuit pursuant to 28 U.S.C. § 1292(b). State Street also moves that the Court stay proceedings related to State Street's claims for contribution and defamation while State Street's appeal is pending. The grounds for this motion are set forth in detail in the accompanying Memorandum in Support of Defendant's Motion for Entry of Final Judgment Pursuant to Federal Rule of Civil Procedure 54(b) or for Certification Pursuant to 28 U.S.C. § 1292(b).

State Street requests oral argument.

Dated: December 13, 2012

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**CERTIFICATE OF SERVICE**

I hereby certify that on December 13, 2012, I caused a true and correct copy of the foregoing document to be served upon all counsel of record by ECF.

/s/ Allison M. Boscarine  
Allison M. Boscarine